

## LANDSCAPE ARCHITECTS SECTION MEETING

### MINUTES

The Landscape Architects Section of the Virginia Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects (APELSCIDLA Board) met on May 3, 2011, at the Department of Professional and Occupational Regulation (DPOR), 9960 Mayland Drive, Richmond, Virginia, with the following members present:

Vaughn B. Rinner  
Andrew M. Scherzer

Staff present for all or part of the meeting were:

Gordon N. Dixon, Director  
Mark N. Courtney, Deputy Director of Licensing and Regulation  
Kathleen (Kate) R. Nosbisch, Executive Director  
Marian Brooks, Board Administrator  
Justin Garofalo, Board Administrator  
Amy Goobic, Administrative Assistant  
Victoria Traylor, Legal Analyst

No representative was present from the Office of the Attorney General.

Mr. Scherzer, Chair, called the meeting to order at 9:05 a.m.

#### Call to Order

Ms. Rinner moved to approve the agenda. Mr. Scherzer seconded the motion which was unanimously approved by members: Rinner and Scherzer.

#### Approval of Agenda

There was no public comment.

#### Public Comment

Mr. John Barr, counsel for Chas. H. Sells, Inc., was present to address the Section. Mr. Barr stated that he was in attendance to answer any questions the Section might have. Mr. Barr also requested the Section consider modifying the language in the Consent Order, as the language suggests that the certified land planner named in the Report of Findings is not authorized to accept plans. Mr. Barr stated that the land planner would be authorized to accept such plans.

#### File Number 2010-05160, Chas. H. Sells, Inc. t/a WSP- Sells

Regarding **File Number 2010-05160, Chas. H. Sells, Inc.**, Ms. Rinner reviewed the Consent Order as seen and agreed to by Chas. H. Sells, Inc. Ms. Rinner concurred with the recommendation of the presiding board member. Ms. Rinner moved to recommend the Board accept the Consent Order which cites the following violations of the Board's regulation: 18VAC10-20-780 (Count 1). For this violation, Chas H. Sells, Inc. agrees to the following monetary penalty: \$350.00 for the violation contained in Count 1 and Board costs in the amount of \$150.00, for a total of \$500.00. As the presiding Board member, Mr. Scherzer was not present for the discussion or

vote.

**Regarding File Number 2011-03991, Kimberly S. Unruh**, the Section members reviewed the Agreement for Licensure as seen and agreed to by Ms. Unruh. Ms. Rinner moved that the Board accept the recommendation of the presiding Board member. Mr. Scherzer seconded the motion which was unanimously approved by members: Rinner and Scherzer.

**File Number  
2011-03991,  
Kimberly S.  
Unruh**

Ms. Rinner moved to have Mr. Scherzer remain as Section Chair. Mr. Scherzer seconded the motion which was unanimously approved by members: Rinner and Scherzer.

**Election of  
Section Chair**

Discussion was held on the Guidance Document on topographic surveys, approved by the Board at its March 22, 2011 meeting. Mr. Scherzer stated that clarification was needed on the general information use of topographic surveys. Section members agreed that GIS mapping or USGS quad sheets used for general informational purposes such as information for consideration for a site plan development, does not need to be signed and sealed. Topographic surveys performed for the site plan do need to be signed and sealed.

**Review of  
Guidance  
Document on  
Topographic  
Surveys**

Mr. Rob McGinnis, VA Chapter of American Society of Landscape Architects (ASLA), was present and addressed the section. Mr. McGinnis discussed the fact that if he, or others, have knowledge that regulants and nonregulants are not complying with the *Code of Virginia* that they, under 18VAC10-20-740.B, are obligated to report their knowledge of others' possible violations. §54.1-409.A, requires localities to accept plans for review from Landscape Architects. Mr. McGinnis suggests that it's possible that §54.1-409.A may be in conflict with §54.1-410.A. One section of the *Code* requires that localities accept plans while the other section of the *Code* indicates that nothing shall be construed to limit the authority of any public official authorized by law to approve plans, respectively.

**Discussion of  
Localities  
Restricting  
Practice of  
Landscape  
Architects**

Ms. Nosbisch recommended drafting an advisory letter to localities, advising them that they must accept plans for review by licensed professionals. The draft will be reviewed by the full board at its June 16, 2011 meeting. Ms. Nosbisch also suggested an article for the next APELS newsletter, as well as the VSPE and other association newsletters.

Ms. Rinner recommended adding an agenda item for the full Board meeting regarding 18VAC10-20-740.B. Mr. Garofalo recommended that the Regulatory Review Committee consider any necessary modifications to the proposed language addressing situations in which a regulant may be found in a difficult situation, concerning potential reprisal/retaliation from localities, as a result of the regulants' compliance with 18VAC10-20-740.B.

Ms. Nosbisch introduced Mr. Joel Albizo, CLARB Executive Director, and Ms. Denise Husband, incoming CLARB President.

**CLARB Update**

Mr. Albizo thanked the section for the opportunity to attend the meeting. Mr. Albizo and Ms. Husband discussed the LARE exam, and the analysis procedure CLARB utilizes to determine any needed changes, specifically as the market becomes more technologically savvy. The new LARE exam, which is estimated to take effect in late 2012, will be entirely computer-based, and would go from five sections to four sections. The first two sections would be multiple-choice and the remaining two sections would incorporate the graphic sections of the current exam.

Additionally, CLARB is conducting a correlation study over the next four exam cycles to try to identify which factors correlate to success on the LARE. CLARB will analyze candidates' experience, education, exam preparation, and other backgrounds to try to determine which factors are the most important for success on the exam.

Discussion was held on the 'definition of welfare' research report presented at the CLARB Spring Meeting. Mr. Albizo reported that CLARB is developing a program to disseminate the information contained in the report.

Ms. Rinner suggested that CLARB make an effort to more effectively disseminate its information to all of its members, especially those members who are not in attendance at CLARB meetings. Mr. Albizo and Ms. Husband agreed that CLARB needs to find a more effective ways to broadly engage its members.

Ms. Nosbisch congratulated the CLARB representatives on the welfare report, and also extended an invitation to host a CLARB meeting in Virginia, should they be in need of a location on the east coast.

Mr. Scherzer asked that a formal request be made to DPOR Director, Gordon Dixon, to allow a Landscape Architect Section member and the APELSCIDLA Executive Director, be funded to attend the annual CLARB meeting in September.

**Other Business**

Ms. Nosbisch informed the section that correspondence was received from Mr. Ken Walus, VDOT, regarding the dissemination of the signing and sealing guidelines. VDOT provides all signing and sealing information through the "Business Center" section of their website. Mr. Walus also thanked the Board for their efforts on this topic.

Conflict of Interest forms were completed by all members present.

**Conflict of  
Interest Forms**

There being no further business, the meeting was adjourned at 10:55 a.m.

**Adjourn**

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Andrew M. Scherzer, Chair

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Gordon N. Dixon, Secretary